

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI

UNITED STATES OF AMERICA

Plaintiff,

-vs-

Criminal Action No.
22-00216-01-CR-W-DGK

RICHARD W. RUSTON,

Defendant.

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

The following matters were discussed and action taken during the pretrial conference:

PENDING CHARGE:

Count I: Possession With the Intent to Distribute Meth Actual *in violation of* 21 U.S.C. §§ 841(a)(1) and (b)(1)(B)

Count II: Possessing Firearm in Furtherance of a Drug Trafficking Offense *in violation of* 18 U.S.C. § 924(c)(1)(A)(i)

Count III: Felon in Possession of a Firearm *in violation of* 18 U.S.C. §§ 922(g)(1) and 924(a)(8)

Count IV: Felon in Possession of Ammunition *in violation of* 18 U.S.C. §§ 922(g)(1) and 924(a)(8)

TRIAL COUNSEL:

Government: Stefan Hughes, Matt Sparks and Paralegal Michelle Wells

Case Agent: Independence Missouri Police Department Detective Steve Cook

Defense: William Ermine and Investigator Gina Slack

OUTSTANDING MOTIONS:

Doc. 57 - Notice of filing Expert Witness by USA

Doc. 58 - Notice of filing Government's Notice of Expert Witnesses by USA

Doc. 59 - Proposed exhibit list by USA

Doc. 60 – Proposed witness list by USA

ANTICIPATED MOTIONS: Government – none; Defense - potential motion in limine as to aspects of the testimony of the Government's expert witness

TRIAL WITNESSES:

Government: 3-4 with stipulations; 6 without stipulations

Defense: 2 witnesses, including Defendant who ☐ will
☒ may
☐ will not testify

TRIAL EXHIBITS:

Government: 38 exhibits

Defense: 11 exhibits, contained within the Government's 38 exhibits

DEFENSES:

☒ defense of general denial

☐ defenses of general denial and _____

POSSIBLE DISPOSITION:

☒ Definitely for trial

☐ Possibly for trial

☐ Motion to continue to be filed

☐ Likely a plea will be worked out

TRIAL TIME: 2 days

Government's case including jury selection: 1.5 days

Defense case: .5 days

STIPULATIONS:

☐ not likely

☐ not appropriate

☒ likely as to:

☐ chain of custody

☒ chemist's reports

☒ prior felony conviction and knowledge of the prior felony conviction

☒ interstate nexus of firearm and ammunition

☐ other: _____

UNUSUAL QUESTIONS OF LAW: none

FILING DEADLINES:

Witness and Exhibit Lists:

Government: 1/27/25

Defense: 1/27/25

Counsel are requested to list witnesses in alphabetical order on their witness list.

Exhibit Index, Voir Dire, Jury Instructions: 1/27/25

Jury instructions must comply with Local Rule 51.1

Motions in Limine: 1/27/25

TRIAL SETTING: Criminal jury trial docket commencing 2/10/2025.

Please note: The Government requests that the case be set for the second week of the two-week trial docket, as a Government witness is scheduled to appear in another trial within the same district during the first week of the docket, *United States v. Dixon, et al*, 22-00262-CR-W-RK. The Defense has no conflicts.

OTHER:

() A _____-speaking interpreter is required.

() Other assistive devices: _____

IT IS SO ORDERED.

/s/ Jill A. Morris
JILL A. MORRIS
United States Magistrate Judge